

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE AUGUST 15, 2005

AMENDED IN SENATE JUNE 22, 2005

AMENDED IN ASSEMBLY APRIL 20, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1559

**Introduced by Assembly Members Gordon, Cohn, and Negrete
McLeod Member Frommer**

February 22, 2005

~~An act to add Chapter 7.2 (commencing with Section 8669) to Division 1 of Title 2 of the Government Code, relating to statewide communications, and declaring the urgency thereof, to take effect immediately. An act to amend Sections 5642 and 5646 of the Public Resources Code, relating to parks and recreation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1559, as amended, ~~Gordon Frommer. Homeland Security Communications Interoperability Development Act of 2005. Urban Park Act of 2001.~~

Existing law establishes the Urban Park Act of 2001, which requires the Department of Parks and Recreation to establish a local assistance program to offer grants, on a competitive basis, to various local entities and nonprofit organizations, as defined, for the acquisition or development, or both, of urban parks and recreational areas and facilities. For purposes of the act, the term, "facilities" is defined. Existing law requires the department, in evaluating

applications for grants, to assign priority to applications for projects that meet certain criteria.

This bill would revise the definition of “facilities” to include community gardens. The bill would also add a new criterion, as specified, that the department would be required to consider in assigning a higher priority to a grant application.

~~(1) Under existing law, the Director of Homeland Security is the state coordinator of all homeland security activities, including strategy, information analysis related to terrorism, and protection of critical infrastructure from terrorism. The Public Safety Radio Strategic Planning Committee is established for the purpose of improving existing public radio systems and to develop interoperability among public safety departments, and between state public safety departments and local or federal entities.~~

~~This bill would enact the Homeland Security Communications Interoperability Development Act of 2005, which would require the California Statewide Interoperability Executive Committee (CALSIEC) and the Public Safety Radio Strategic Planning Committee to form a joint committee to prepare a specified report to the Legislature on or before February 1, 2006, with findings and recommendations for implementing a statewide communications interoperability system.~~

~~(2) The bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 5642 of the Public Resources Code is*
- 2 *amended to read:*
- 3 5642. As used in this article, the following terms shall have
- 4 the following meanings:
- 5 (a) “City” means a city or a city and county.
- 6 (b) “District” means a regional park district, regional park and
- 7 open-space district, or regional open-space district formed
- 8 pursuant to Article 3 (commencing with Section 5500) of
- 9 Chapter 3, or a recreation and park district formed pursuant to
- 10 Chapter 4 (commencing with Section 5780).

1 (c) “Facilities” includes, but is not limited to, places for
2 organized team sports, outdoor recreation, and informal turf play;
3 nonmotorized recreational trails; permanent play structures;
4 landscaping; *community gardens*; places for passive recreation,
5 enjoyment of scenic open space, nature appreciation and study,
6 and outdoor education; multipurpose structures designed to meet
7 the special recreational, educational, vocational, and social needs
8 of youth, senior citizens, and other urban population groups; and
9 infrastructure and other improvements that support these
10 facilities.

11 (d) “Heavily urbanized county” means a county with a
12 population of 500,000 or more, and a density of at least 1,100
13 persons per square mile, based on the most recent verifiable
14 census data.

15 (e) “Nonprofit organization” means any nonprofit public
16 benefit corporation formed pursuant to the Nonprofit Corporation
17 Law (Division 2 (commencing with Section 5000) of the
18 Corporations Code), qualified to do business in California,
19 qualified under Section 501(c)(3) of Title 26 of the United States
20 Code, and that has among its primary purposes the preservation,
21 protection, or enhancement of land or water resources in their
22 natural, scenic, historical, agricultural, forested, or open space
23 condition or use, or the provision of conservation and
24 environmental education and other recreational, vocational, and
25 educational services to urban youth.

26 *SEC. 2. Section 5646 of the Public Resources Code is*
27 *amended to read:*

28 5646. In evaluating applications for grants that meet the
29 requirements of Section 5645, the department shall assign higher
30 priority to applications, for each of the following criteria
31 satisfied:

32 (a) The amount of the grant applied for, together with any
33 matching contribution, will meet all the costs of acquiring or
34 developing, or both, the new urban park or facilities, and when
35 construction of the project is completed, the new urban park or
36 facility will be fully usable by the residents of the project’s
37 service area.

38 (b) The project’s service area has significant deficiencies in
39 parks and facilities relative to other areas of the applicant’s
40 jurisdiction.

(c) The project will enhance employment opportunities for residents, including at-risk youth, of the project's service area, or of members of the California Conservation Corps or certified local conservation corps.

(d) The project will accommodate outdoor learning opportunities for school pupils or at-risk youth from the project's service area, or of members of the California Conservation Corps or certified conservation corps.

(e) The project will be usable by pupils from one or more public schools in the project's service area.

(f) The application includes a commitment for a matching contribution. The matching contributions may be in the form of ~~money~~ *moneys* from any source, including funds from other state local assistance programs; gifts of real property, equipment, and consumable supplies; volunteer services; free or reduced-cost use of land, facilities, or equipment; and bequests and income from wills, estates, and trusts. The department shall evaluate the amount of the matching contribution in terms of its proportionality in relation to the economic resources of the applicant.

(g) The project will wholly or partly replace an area of blight, or will contribute significantly to the economic revitalization of the area in the project's service area.

(h) The development phase of the project was planned with public input from the affected community.

(i) The project is a joint-use project between two or more agencies that share responsibility for ownership, development, and maintenance of the project.

(j) *The project creates a new park in a location where none currently exists.*

~~SECTION 1. Chapter 7.2 (commencing with Section 8669) is added to Division 1 of Title 2 of the Government Code, to read:~~

~~CHAPTER 7.2. HOMELAND SECURITY COMMUNICATIONS
INTEROPERABILITY DEVELOPMENT ACT OF 2005~~

~~Article 1. General Provisions~~

1 ~~8669. This chapter shall be known and may be cited as the~~
2 ~~Homeland Security Communications Interoperability~~
3 ~~Development Act of 2005.~~

4 ~~8669.1. (a) The Legislature finds and declares all of the~~
5 ~~following:~~

6 ~~(1) The ability of several public safety agencies to~~
7 ~~communicate with one another from neighboring cities, adjacent~~
8 ~~counties, and across the state has become more essential since the~~
9 ~~terrorist attacks on September 11, 2001. The events of September~~
10 ~~11th clearly demonstrated the need for law enforcement,~~
11 ~~firefighters, and emergency medical services personnel to be able~~
12 ~~to effectively communicate in times of need so resources can be~~
13 ~~properly utilized and lives can be saved.~~

14 ~~(2) Currently in this state, the ability of public safety agencies~~
15 ~~to communicate with each other is largely impossible because of~~
16 ~~all the different communications systems being utilized by the~~
17 ~~various public safety agencies. This problem has been examined~~
18 ~~by the California Statewide Interoperability Executive~~
19 ~~Committee (CALSIEC), the Public Safety Radio Strategic~~
20 ~~Planning Committee, and the Legislature.~~

21 ~~(b) The California Statewide Interoperability Executive~~
22 ~~Committee (CALSIEC) and the Public Safety Radio Strategic~~
23 ~~Planning Committee shall form a joint committee that shall~~
24 ~~prepare a report to the Legislature with recommendations for the~~
25 ~~implementation of a statewide interoperable communications~~
26 ~~system that shall do the following:~~

27 ~~(1) Recommend a nonproprietary performance standard that~~
28 ~~requires communications systems and devices to have open~~
29 ~~architecture, backward compatibility, and compliance with~~
30 ~~subdivision (a) of Section 8592.5.~~

31 ~~(2) Determine which state, local, or other frontline public~~
32 ~~safety agencies, including, but not limited to, those specified in~~
33 ~~subdivision (b) of Section 8592.1 and subdivision (b) of Section~~
34 ~~8669.2, need new or upgraded communication equipment in~~
35 ~~order to conform to the recommendations proposed in this report.~~

36 ~~(3) Provide an estimated timeline and strategy for statewide~~
37 ~~implementation of the system.~~

38 ~~(4) Identify the funding that would be required to purchase and~~
39 ~~maintain a statewide interoperable communications system for~~
40 ~~frontline public safety agencies.~~

1 ~~(e) The joint committee shall report its findings and~~
2 ~~recommendations to the Legislature on or before February 1,~~
3 ~~2006.~~

4 ~~8669.2. As used in this chapter, the following terms have the~~
5 ~~following meanings:~~

6 ~~(a) “Joint committee” means the members of the California~~
7 ~~Statewide Interoperability Executive Committee (CALSIEC) and~~
8 ~~the Public Safety Radio Strategic Planning Committee, with the~~
9 ~~Secretary of Homeland Security as the chairperson.~~

10 ~~(b) “Frontline public safety agencies” include, but are not~~
11 ~~limited to, the California Highway Patrol, state fire agencies,~~
12 ~~state and local emergency medical services agencies, local~~
13 ~~sheriff’s departments, municipal police departments, county and~~
14 ~~city fire departments, police and fire protection districts, and the~~
15 ~~Governor’s Office of Homeland Security.~~

16 ~~SEC. 2. This act is an urgency statute necessary for the~~
17 ~~immediate preservation of the public peace, health, or safety~~
18 ~~within the meaning of Article IV of the Constitution and shall go~~
19 ~~into immediate effect. The facts constituting the necessity are:~~

20 ~~In order to establish a statewide communications~~
21 ~~interoperability system, thereby protecting public health and~~
22 ~~safety, it is necessary that this act take effect immediately.~~